

**FILED**

UNITED STATES COURT OF APPEALS

**JAN 23 2006**

FOR THE NINTH CIRCUIT

**CATHY A. CATTERSON, CLERK**  
U.S. COURT OF APPEALS

RAPID DISPLAYS INC.,

Plaintiff - Appellant,

v.

RAY L. GORDER, individually; et al.,

Defendants - Appellees.

No. 04-35246

D.C. No. CV-02-00252-JJ

District of Oregon,  
Portland

ORDER

RAPID DISPLAYS INC.,

Plaintiff - Appellee,

v.

RAY L. GORDER, individually,

Defendant - Appellant,

and

PAMELA KAY GORDER, individually;  
et al.,

Defendants.

No. 04-35283

D.C. No. CV-02-000252-JJ

Before: FISHER, GOULD, and BEA, Circuit Judges.

The disposition filed on November 30, 2005 and available at 2005 WL 3271355 is AMENDED as follows. At page 3 of the disposition, the following sentence shall be deleted in its entirety:

Based on the record before us on appeal, we conclude that the last disinterested lender to have extended credit to IE was Rapid when it agreed to defer two thirds of the amount due under its invoice on May 24, 2000.

At page 3 of the disposition, the following sentence shall be inserted to replace the deleted sentence:

Based on the record before us on appeal, we conclude that Rapid was a disinterested lender extending credit to IE when it agreed to defer two thirds of the amount due under its invoice on May 24, 2000.

With this amendment, the panel votes unanimously to deny the petition for rehearing and the petition for rehearing en banc.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

Defendant-Appellee/Appellant's petition for rehearing is DENIED and the petition for rehearing en banc is DENIED. No further petitions for panel rehearing or for rehearing en banc shall be entertained.

IT IS SO ORDERED.